

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) v.) Criminal Action No.
) 07-00040-01-CR-W-SOW
ERIC RAGLIN,)
)
) Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on January 30, 2008. Defendant Eric Raglin appeared in person and with Assistant Federal Public Defender Larry Pace. The United States of America appeared by Assistant United States Attorney Brent Venneman.

I. BACKGROUND

On January 23, 2007, an indictment was returned charging defendant with one count of possession of a firearm after having been convicted of felonies, in violation of 18 U.S.C. § 922(g)(1) and § 924(a)(2).

Defendant was tried in November 2007. The trial resulted in a hung jury. In the meantime defendant filed a pro se appeal with the Eighth Circuit Court of Appeals. The Eighth Circuit dismissed the appeal on January 7, 2008, and the mandate was

received on January 15, 2008.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Venneman announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Tim Canon, BATF.

Mr. Pace announced that he will be the trial counsel for defendant Eric Raglin. Allen Bush, Investigator, will assist.

III. OUTSTANDING MOTIONS

There are currently pending for ruling by the district judge three pro se motions:

1. Motion for transcripts, filed 10/9/2007 (#92)
2. Motion for acquittal, filed 10/3/2007 (#118)
3. Motion to dismiss appeal, filed 1/18/2008 (#143)

IV. TRIAL WITNESSES

Mr. Venneman announced that the government intends to call 10 witnesses with stipulations during the trial.

Mr. Pace announced that defendant Eric Raglin intends to call 1 witness during the trial. The defendant will testify.

V. TRIAL EXHIBITS

Mr. Venneman announced that the government will offer approximately 28 exhibits in evidence during the trial.

Mr. Pace announced that defendant Eric Raglin will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Pace announced that defendant Eric Raglin will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Pace stated this case is definitely for trial.

VIII. STIPULATIONS

A stipulation as to prior felony conviction has been signed.

IX. TRIAL TIME

Counsel were in agreement that this case will take 1 1/2 to 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed February 14, 2007, counsel for each party file and serve any amended list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by January 30, 2008;

That counsel for each party file and serve any amended requested jury voir dire examination questions by or before noon, Wednesday, February 6, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, any amended requested jury instructions by or before noon, Wednesday, February 6, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 11, 2008. The lawyers request the first week of the trial docket.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
January 30, 2008

cc: The Honorable Scott O. Wright
Mr. Brent Venneman
Mr. Larry Pace
Mr. Jeff Burkholder